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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,890	04/05/2004	Kenichi Katsumata	Q80886	4026
23373	7590	12/14/2005	EXAMINER	
SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				MILLER, PATRICK L
ART UNIT		PAPER NUMBER		
		2837		

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/816,890	KATSUMATA ET AL.
	Examiner Patrick Miller	Art Unit 2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.  
 2a) This action is FINAL.                  2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-4 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 21 July 2004 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. ____ .   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04052004</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: ____ .                                   |

## **DETAILED ACTION**

### *Drawings*

1. Figures 8 and 9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

2. The disclosure is objected to because of the following informalities: see bullet(s) below.

Appropriate correction is required.

- The brief description of Figures 8 and 9 use the term "conventional." Change this to "Prior Art."

### *Claim Objections*

3. Claims 1-4 are objected to because of the following informalities: see bullet(s) below.

Appropriate correction is required.

- Claim 1 recites, "in an opposite direction" (l. 15). Please define the direction to which this is opposite. I.e., in an opposite direction to the movement direction.

- Claim 1 recites, “a switch operation” (l. 16). Please distinguish this switch operation from the one recited in lines 11-12. E.g. a first switch operation and a second switch operation.
- Claim 2 recites, “a judgment” (l. 9). It is unclear whether this judgment is the same as that recited in line 6. Please clarify.
- Claim 2 recites, “in an opposite direction” (l. 16). Please define the direction to which this is opposite. I.e., in an opposite direction to the movement direction.
- Claim 2 recites, “a switch operation” (l. 17). Please distinguish this switch operation from the one recited in lines 10-11. E.g. a first switch operation and a second switch operation.
- Claim 3 recites, “a switch operation” (l. 10). Please distinguish this switch operation from the one recited in line 7. E.g. a first switch operation and a second switch operation.
- Claim 3 recites, “in an opposite direction” (l. 11). Please define the direction to which this is opposite. I.e., in an opposite direction to the movement direction.
- Claim 4 recites, “a switch operation” (l. 11). Please distinguish this switch operation from the one recited in line 7. E.g. a first switch operation and a second switch operation.
- Claim 4 recites, “a switch operation in the same direction” (l. 16). Change to “the second switch operation in the same direction as the direction opposite to the first switch operation” or similar.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
  - The claims are written in a manner that makes their interpretation somewhat difficult to interpret. For example, claim 4 recites, “invalidating, when a motor current in a case where the movable member is moved reaches a lock current that is to flow when motion of the movable member is set to a locked state, a switch operation in a direction of moving the movable member at this timing only for a predetermined period.”
  - As best interpreted by the examiner, the claim would be more clear if it were recited as the following: “invalidating a switch operation in a first direction of the movable member for only a predetermined period when the motor current indicates that the movable member is in a locked state” or similar.
  - Note that this is only one example, and this claim and the additional claims suffer from problems similar to the example given above.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4, as best understood by the examiner, are rejected under 35 U.S.C. 102(b) as being anticipated by Hammer (3,581,174).

- With respect to claims 1 and 3, Hammer discloses a motor drive apparatus and method for controlling said apparatus comprising: a motor current detecting a motor drive apparatus comprising: a motor current detecting section which detects a motor current when a movable member driven by a motor is moved (Fig. 2, #58 detects overcurrent); lock current judging section which monitors the motor current detected by the motor current detecting section to make a judgment on a lock current that is to flow when motion of the movable member is set to a locked state (Fig. 2, reversing section #52 determines a lock condition based on the current received from #58; note that this determination is also made using the time delay circuit); and a switch invalidation setting section (col. 3, ll. 16-21 and col. 3, ll. 30-47; col. 4, ll. 33-75; when in automatic reverse mode, the switch 22 is bypassed via #76 and 94 to reverse the motor). Hammer also discloses stopping the motor and reversing its direction when a stall or lock condition exists (col. 1, ll. 21-45). Finally, Hammer discloses the limit switch “reactivates” or cancels the invalidation of the manual switch (col. 5, ll. 1-29).

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- See the above rejection for claim 2, and the following further disclosure by Hammer.  
Hammer also discloses invalidating the switch operation only for a predetermined period (col. 5, ll. 1-15; time period to lower the window so that the nonconductive portion 112 engages the fixed contact 108).
- See the above rejection for claim 4, and the following further interpretation of Hammer.  
Hammer discloses the system essentially “resetting” once the limit switch has been reached (col. 5, ll. 1-29). Thus, once the time period for reaching the limit switch has elapsed, if another obstruction, which causes the motor current to exceed the over current relay’s threshold, the system again invalidates any manual switch operation.

*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick Miller whose telephone number is 571-272-2070. The examiner can normally be reached on M-F, 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Martin can be reached on 571-272-2800 ext 41. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9318.

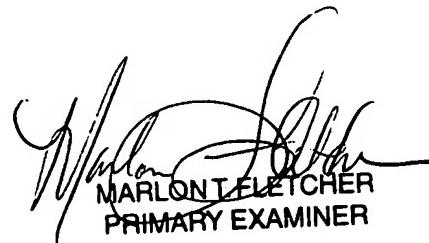
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-3431.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick Miller  
Examiner  
Art Unit 2837

pm  
December 5, 2005



MARLON T. FLETCHER  
PRIMARY EXAMINER